

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

**FILED**  
JUN 27 2019  
Clerk, U.S. Courts  
District Of Montana  
Missoula Division

RICHARD JUNIOUS HILL, SR.,

Plaintiff,

vs.

PAUL REES, M.D.,

Defendant.

CV 18-99-H-DLC-JTJ

ORDER


United States Magistrate Judge John T. Johnston entered his Findings and Recommendations on May 29, 2019, recommending that this action be dismissed for failure to prosecute under Federal Rule of Civil Procedure 41(b). (Doc. 23 at 4.) Plaintiff did not object to the Findings and Recommendations and so has waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). Reviewing for clear error and finding none,

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 23) are ADOPTED IN FULL and this case is DISMISSED pursuant to Federal Rule of Civil Procedure 41(b).

IT IS FURTHER ORDERED that the Clerk of Court is directed to close this matter and enter judgment pursuant to Federal Rule of Civil Procedure 58.

IT IS FURTHER ORDERED that the Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Federal Rule of Appellate Procedure 24(a)(3)(A) that any appeal of this decision would not be taken in good faith.

DATED this 27<sup>th</sup> day of June, 2019.

  
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Dana L. Christensen, Chief Judge  
United States District Court